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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: STEVEN P. HERGOTT, ET AL.
SERIAL NO.: 10/659,650
TITLE: METHOD AND MEANS FOR STUFFING
NATURAL CASINGS WITH SAUSAGE
EMULSION
FILED: September 10, 2003
GROUP/A.U.: 3643
Confirmation No.: 1820
EXAMINER: Richard Thomas Price, Jr.
Docket No.: P06667US0-169G

Mail Stop Reply Brief - Patents
Commissioner of Patents
P.O. Box 1450
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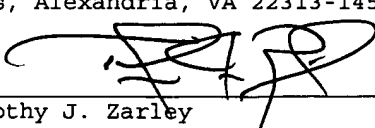
Dear Sir:

REPLY TO EXAMINER'S ANSWER

This brief is submitted in response to the Examiner's Answer of June 16, 2006, and pursuant to 37 CFR § 41.41 in furtherance of the Appeal Brief originally submitted for this application on December 19, 2005, and re-submitted on April 21, 2006, upon receipt of the Notice of Non-Compliant Appeal Brief sent March 21, 2006.

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this document and the documents referred to as enclosed therein are being deposited with the United States Postal Service as First Class mail addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on this 19th day of July 2006.



Timothy J. Zarley

REMARKS

In his answer, the Examiner has maintained the rejection of claims 1, 5 and 6 under 35 U.S.C. 102(b) as being anticipated by Duroyon (USPN 4,437,209). Appellant respectfully maintains traversal of this rejection for the reasons set forth below.

Claims 1 and 5-6 relate to a method and apparatus for stuffing natural sausage casings. It can be appreciated by one of ordinary skill in the art that the FCA-S stuffing machine depicted that accommodates the invention disclosed in Duroyon (col. 4, lines 55-58) is intended for stuffing artificial sausage casings, as opposed to natural casings. This assertion is supported, *inter alia*, by Duroyon's use of the sizing ring 60 "having a circumference very near the desired stuffed circumference of the product, such that the [premoisturized shirred] casing [27], as it deshirs and passes over the ring, is stretched to about the desired size" (col. 6, lines 28-33). A sizing ring 60 as Duroyon discloses would not be suitable for stuffing natural casings due to the non-uniform diameters of natural casings. See the background section of the present application at p. 1, lines 13-19, for a discussion of the drawbacks of using natural casings on a machine designed for stuffing artificial casings.

Even if a natural casing were used with the apparatus disclosed by Duroyon, Duroyon still does not satisfy the requirements of anticipation of claims 1 and 5-6 under 35 U.S.C. 102(b). Claim 1 recites a method of advancing a natural casing along the length of a meat stuffing tube, requiring "placing a hollow conical shaped restrictor on the stuffing tube" and "decreasing the diameter of the natural casing with the side wall of the conical shaped restrictor [30] as the natural casing is being slidably moved towards the discharge end of the tube"

(see Figures 1 and 2). In contrast, Duroyon teaches sizing a premoisturized shirred casing 27 with the sizing ring 60 and decreasing the diameter of the casing 27 for clipping with a sealing ring 63 (col. 7, line 42 - col. 8, line 24). Duroyon teaches that the distance between the sizing ring 60 and the sealing ring 63 can be varied to achieve desirable frictional forces for stuffing and clipping (Figs. 6-7 and col. 8, line 48 - col. 9, line 14). Duroyon fails to teach or suggest using the side wall of a conical shaped restrictor to decrease the diameter of a natural casing as required in claim 1. Moreover, Duroyon does not teach or suggest any contact between the premoisturized shirred casing 27 and the holder 65.

Similarly, claim 5 requires a hollow conical shaped restrictor for decreasing the diameter of the natural casing. For the reasons discussed above, claim 5 is not anticipated by Duroyon under 35 U.S.C. 102(b). Claim 6 is dependent on claim 5 and recites an additional limitation, therefore claim 6 is also not anticipated by Duroyon.

In summary, Appellants maintain the assertion that rejection of claims 1, 5 and 6 under 35 U.S.C. 102(b) as being anticipated by Duroyon should be reversed, and that claims 1, 5 and 6 are in condition for allowance.

CONCLUSION:

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

There are no fees or extensions of time believed to be due in connection with this reply; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Reply to Examiner's Answer dated June 16, 2006

Respectfully submitted,



Timothy J. Zarley

Reg. No. 45,253

ZARLEY LAW FIRM, P.L.C

Capital Square

400 Locust Street, Suite 200

Des Moines, IA 50309-2350

Phone No. (515) 558-0200

Fax No. (515) 558-7790

Customer No. 34082

Attorneys of Record

- TJZ/JAC/jlk-